

ORDINANCE NO. 2310

AN ORDINANCE OF THE CITY OF WEST COVINA, CALIFORNIA, TO ESTABLISH BY-DISTRICT ELECTION OF COUNCIL MEMBERS, AND REPEALING AND REPLACING SECTIONS 2-20 AND 2-21 OF ARTICLE II, DIVISION 1, OF THE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

A. The City of West Covina ("City") is a general law city, which is currently governed by a five (5) council members, who are all elected by all voters in the City in an at-large voting system; and

B. Pursuant to Government Code section 34886, as amended effective January 1, 2017, the City Council may adopt an ordinance that requires the members of the city council to be elected by district, without being required to submit the ordinance to the voters for approval; and

C. Under the California Voting Rights Act of 2001, district-based elections are required if it can be shown that an at-large election system prevents minority voters from electing their chosen candidate or influencing elections; and

D. The City of West Covina has been presented with no evidence of racially polarized voting, but desires to ensure the voting rights and fair representation of all of its citizens; and

E. Pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the City Council made by this ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act.

Section 2. The City Council finds and declares that the above Findings are true and correct.

Section 3. Article II (City Council), Division 1 (Generally), current Section 2-20 (Mayor; duties) of the West Covina Municipal Code is hereby repealed and replaced as follows:

2-20 By-District Elections.

A. City Council. The elective officers of the City shall constitute a city council consisting of five (5) members elected by district at the times and in the manner provided in this Chapter, in a sequence to be determined by ordinance or resolution, each of whom shall serve a term of four (4) years and until their respective successors qualify.

- B. Residency in Districts. Each member of the city council must be a resident of the council district from which the member is nominated at the time the member is nominated, elected, and throughout that member's term of office. In the event any member of the city council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies. If a member of the city council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries as provided herein, the member shall not lose office during that term by reason of such change.
- C. Council Districts. The City is hereby divided into five (5) districts, as set forth herein. Candidates for council seats in each district shall be nominated and elected only by the voters of that district and shall reside in that district.
- D. District Boundaries. The boundaries of the council member districts of the City shall be established in the manner required by Government Code section 34877.5 (effective January 1, 2017) and California Elections Code section 10010 (as amended effective January 1, 2017).
- E. Changes in Boundaries. The boundaries of said city council districts, but not the number thereof, may be changed by ordinance adopted by the city council by three-fifths (3/5) vote of all its members; provided that districts established by the city council shall be as nearly equal in population and as geographically compact as possible. Boundaries shall be adjusted by the city council before the first day of November of the year following the year in which each decennial federal census is taken by three-fifths (3/5) vote of the total membership of the city council, and as provided in Elections Code sections 21601, 21602 and 21607. However, the city council shall not change the boundaries of districts more than once in any two (2) year period and no such change shall be made within the period of one hundred eighty (180) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to City boundaries, as provided in Elections Code section 21603. After city council has exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by city council.
- F. Current Officeholders. The five (5) members of the city council in office at the time this section takes effect shall continue in office until their terms expire.

Section 4. Article II (City Council), Division 1 (Generally), Section 2-21 (Mayor; selection) of the West Covina Municipal Code is hereby repealed and replaced as follows:

Sec. 2-21. - Mayor; duties and selection.

(a) The mayor, sometimes herein referred to as the "presiding officer," shall preserve strict order and decorum at all meetings of the city council. The mayor shall state every question

coming before the council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council members present shall govern and conclusively determine such question of order. Voting on all ordinances shall be by roll call vote called by the city clerk; and the mayor shall be entitled to vote last on all questions.

(b) The mayor shall be the official head of the city for all ceremonial purposes, and shall perform all duties imposed upon the mayor by the laws of the state or by ordinance of the city. The mayor shall serve in such capacity at the pleasure of the city council.

(c) The city council shall conduct its annual reorganization during its second regularly scheduled meeting of November, except in even-numbered years when the reorganization will occur at the time the city council confirms the official canvass of the municipal election results as required by California Government Code Section 36801.

(d) The initial order of mayoral succession shall be determined by the length of the current term of incumbency, as defined by the date of election. When two (2) or more council members have equal terms of incumbency, the order shall be determined by the highest number of votes received at their election to the city council. The first order of rotation is as follows:

- (1) Corey Warshaw
- (2) Mike Spence
- (3) Lloyd Johnson
- (4) Tony Wu
- (5) James Toma

Thereafter, the outgoing mayor's name will rotate to the bottom of the previous year's mayoral succession list, with all other names moving up one position, in order that the outgoing mayor pro tem shall become the new mayor, and the next council member on the list shall become the new mayor pro tem.

(e) Newly elected council members shall be added to the bottom of the mayoral succession list, following the outgoing mayor in that election year's council reorganization. When there are two (2) or more newly elected council members, the order will be determined by the person who received the highest number of votes at the election.

(f) Any council member appointed to fill a vacancy shall be added immediately to the bottom of the mayoral succession list. In the event the appointment is to fill a vacancy at the mayor or mayor pro tem's position, all other names on the succession list shall move up one position.

(g) The city council by a minimum of four (4) votes may modify the mayoral succession list, or remove and replace the mayor or mayor pro tem at any time.

Section 5. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Ordinance is exempt pursuant to Section 15061(b) (3) of the State CEQA Guidelines in that the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment and therefore the activity is not subject to CEQA.

Section 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption. The district boundaries shall be selected and in place at least 90 days prior to the next municipal election and the first by-district elections as provided for herein shall commence at the next election of Council Members for the City of West Covina after the effective date of this ordinance.

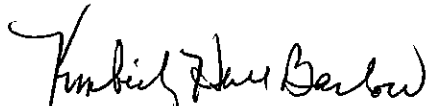
Section 8. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of West Covina, pursuant to all legal requirements.

PASSED, APPROVED AND ADOPTED on this 17th day of January, 2017.




Corey Warshaw
Mayor

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

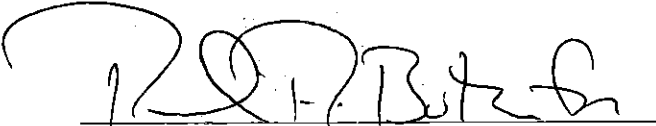
ATTEST:



Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 20th day of December, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 17th day of January, 2017, by the following vote:

AYES: Johnson, Toma, Warshaw
NOES: Spence, Wu
ABSENT: None
ABSTAIN: None



Nickolas S. Lewis
City Clerk